

July 2 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

## IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 10-0326

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JOHN FITZGERALD,

Petitioner,

v.

MISSOULA COUNTY JUSTICE COURT,  
HONORABLE KAREN A. ORZECH,Respondent.

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FILED

JUL 02 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

## ORDER

Petitioner John Fitzgerald, by counsel, has filed a "Petition for Writ of Mandamus, Writ of Prohibition and/or Writ of Supervisory Control." He seeks an order directing the Respondent to desist from holding a trial on July 9, 2010, in the DUI case pending against him. He raises procedural objections to the trial being held, and also seeks relief from the Respondent's denial of his Motion to Dismiss for Lack of Speedy Trial. We deem it appropriate to receive a response from the Respondent or her designee State of Montana to Fitzgerald's Motion to Dismiss for Lack of Speedy Trial. Accordingly,

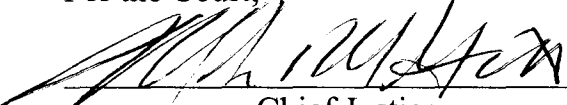
IT IS HEREBY ORDERED that Fitzgerald's DUI trial currently scheduled for July 9, 2010 is STAYED until further order of this Court.

IT IS FURTHER ORDERED that the Respondent or her designee State of Montana shall file a response to Fitzgerald's petition, insofar as it pertains to speedy trial concerns, within 20 days of the date of this Order. No reply brief will be accepted.

IT IS FURTHER ORDERED that the Clerk of this Court serve a copy of this Order and give immediate telephonic notice hereof to all counsel of record and the Honorable Karen Orzech, Missoula County Justice Court.

DATED this \_\_\_\_\_ day of July, 2010.

For the Court,

  
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Chief Justice